

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

04- R -0847

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,100.00 IN SETTLEMENT OF THE CLAIM
OF LONAKAI DAVIS, A MINOR, THROUGH HER PARENT
AND GUARDIAN, INGER FLOUNNORY DAVIS, THROUGH
THEIR ATTORNEY, JACK O. MORSE AGAINST THE CITY
OF ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, Lonakai Davis, a minor, through her parent and guardian, Inger Flounnory Davis, and through their attorney, Jack O. Morse, have filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Department of Police; and

WHEREAS, the collision occurred as a result of the City employee following too closely and rear-ending the vehicle in which Lonakai Davis was riding; and

WHEREAS, the claimant asserted damages in the amount of \$3,500.00 but has agreed to accept the sum of \$2,100.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Lonakai Davis, a minor, through her parent and guardian, Inger Flounnory Davis, and through their attorney, Jack O. Morse, be settled for the sum of \$2,100.00.

WHEREAS, the claimant had previously abandoned her claim and the Council of the City of Atlanta adopted an adverse recommendation on October 6, 2003.

THEREFORE, BE IT RESOLVED that Resolution 03-R-1523 be hereby rescinded.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$2,100.00 be paid by the City of Atlanta in satisfaction of any and all claims Lonakai Davis, a minor, through her parent and guardian, Inger Flounnory Davis, and through their attorney, Jack O. Morse, may have stemming from damages sustained due to a motor vehicle collision on or about June 7, 2002.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0935

Date: April 28, 2004

Claimant /Victim LONAKAI DAVIS, a minor, through her parent and guardian Inger Flounnory Davis

BY: (Atty) Jack Morse

Address: 191 Cleveland Avenue, Atlanta, Georgia 30315

Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,500.00

Date of Notice: 12/31/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/07/02 Place: Interstate 75/85 and Pryor Road

Department Police Bureau:

Employee involved B. F. Ashe Disciplinary Action:

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear ended the vehicle in which the claimant was riding causing her to be injured.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

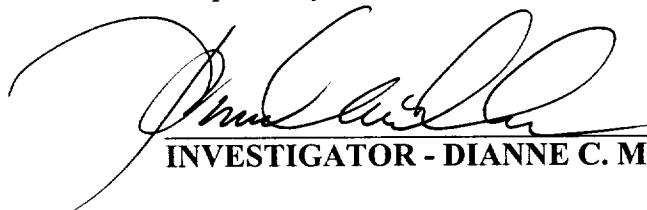
Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,100.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 04/29/04

Committee Action: Council Action

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
 04-R-0911 04-R-0835 04-R-0882
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812	41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 ITEMS ADVERSED ON CONSENT 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846

04-R-0847

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A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

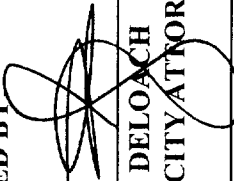
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THROUGH THEIR ATTORNEY, JACK O.
MORSE AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES

ADOPTED BY

MAY 17 2004

COUNCIL

APPROVED BY:



**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

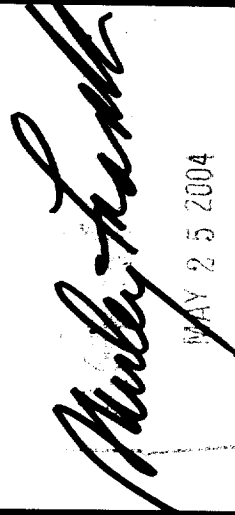
☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAYOR'S ACTION


MAY 25 2004